

HOUSE BILL No. 1569

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-16; IC 35-50-6-3.3.

Synopsis: Credit time for behavior management programs. Requires the department of correction to establish, implement, and maintain an offender behavior management program. Provides that an offender who completes the behavior management program may receive credit time. Makes a technical correction.

Effective: July 1, 2015.

Smith V, McMillin

January 20, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1569

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:

4 **Chapter 16. Behavior Management Program**

5 **Sec. 1. The department shall establish, implement, and maintain**
6 **a behavior management program for offenders.**

7 **Sec. 2. The behavior management program established under**
8 **this chapter must include instruction:**

- 9 (1) concerning successful reentry and rehabilitation; and
10 (2) promoting nonviolence.

11 **Sec. 3. The goals of the behavior management program**
12 **established under this chapter must include reducing:**

- 13 (1) offender misconduct;
14 (2) prison violence; and
15 (3) recidivism.



1 **Sec. 4. The department shall determine the qualifications an**
 2 **offender must meet to participate in the behavior management**
 3 **program established under this chapter.**

4 **Sec. 5. (a) An offender who successfully completes the behavior**
 5 **management program established under this chapter may earn**
 6 **credit time under IC 35-50-6-3.3(b)(3)(E).**

7 **(b) An offender may not receive credit time under this chapter**
 8 **for participating in a sex offender treatment program or any other**
 9 **sex offender program.**

10 **Sec. 6. An inmate who is serving a sentence for a conviction of**
 11 **a crime listed in IC 35-38-2.5-4.7(1) shall participate in the**
 12 **behavior management program established under this chapter or**
 13 **another behavior management program approved and**
 14 **recommended by the department.**

15 SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.168-2014,
 16 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2015]: Sec. 3.3. (a) In addition to any credit
 18 time a person earns under subsection (b) or section 3 of this chapter, a
 19 person earns credit time if the person:

- 20 (1) is in credit Class I, Class A, or Class B;
 21 (2) has demonstrated a pattern consistent with rehabilitation; and
 22 (3) successfully completes requirements to obtain one (1) of the
 23 following:

24 (A) A general educational development (GED) diploma under
 25 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 26 has not previously obtained a high school diploma.

27 (B) Except as provided in subsection (o), a high school
 28 diploma, if the person has not previously obtained a general
 29 educational development (GED) diploma.

30 (C) An associate degree from an approved postsecondary
 31 educational institution (as defined under IC 21-7-13-6(a))
 32 earned during the person's incarceration.

33 (D) A ~~bachelor~~ **bachelor's** degree from an approved
 34 postsecondary educational institution (as defined under
 35 IC 21-7-13-6(a)) earned during the person's incarceration.

36 (b) In addition to any credit time that a person earns under
 37 subsection (a) or section 3 of this chapter, a person may earn credit
 38 time if, while confined by the department of correction, the person:

- 39 (1) is in credit Class I, Class A, or Class B;
 40 (2) demonstrates a pattern consistent with rehabilitation; and
 41 (3) successfully completes requirements to obtain at least one (1)
 42 of the following:



- 1 (A) A certificate of completion of a career and technical or
- 2 vocational education program approved by the department of
- 3 correction.
- 4 (B) A certificate of completion of a substance abuse program
- 5 approved by the department of correction.
- 6 (C) A certificate of completion of a literacy and basic life
- 7 skills program approved by the department of correction.
- 8 (D) A certificate of completion of a reformatory program
- 9 approved by the department of correction.
- 10 **(E) A certificate of completion of a behavior management**
- 11 **program established under IC 11-10-16.**
- 12 (c) The department of correction shall establish admissions criteria
- 13 and other requirements for programs available for earning credit time
- 14 under subsection (b). A person may not earn credit time under both
- 15 subsections (a) and (b) for the same program of study. The department
- 16 of correction, in consultation with the department of workforce
- 17 development, shall approve a program only if the program is likely to
- 18 lead to an employable occupation.
- 19 (d) The amount of credit time a person may earn under this section
- 20 is the following:
- 21 (1) Six (6) months for completion of a state of Indiana general
- 22 educational development (GED) diploma under IC 20-20-6
- 23 (before its repeal) or IC 22-4.1-18.
- 24 (2) One (1) year for graduation from high school.
- 25 (3) Not more than one (1) year for completion of an associate
- 26 degree.
- 27 (4) Not more than two (2) years for completion of a ~~bachelor~~
- 28 **bachelor's** degree.
- 29 (5) Not more than a total of one (1) year of credit, as determined
- 30 by the department of correction, for the completion of one (1) or
- 31 more career and technical or vocational education programs
- 32 approved by the department of correction.
- 33 (6) Not more than a total of six (6) months of credit, as
- 34 determined by the department of correction, for the completion of
- 35 one (1) or more substance abuse programs approved by the
- 36 department of correction.
- 37 (7) Not more than a total of six (6) months credit, as determined
- 38 by the department of correction, for the completion of one (1) or
- 39 more literacy and basic life skills programs approved by the
- 40 department of correction.
- 41 (8) Not more than a total of six (6) months credit time, as
- 42 determined by the department of correction, for completion of one



(1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

(9) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more behavior management programs under IC 11-10-16, as determined by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of



the following crimes:

- (A) Rape (IC 35-42-4-1).
- (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Vicarious sexual gratification (IC 35-42-4-5).
- (F) Child solicitation (IC 35-42-4-6).
- (G) Child seduction (IC 35-42-4-7).
- (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.
- (I) Incest (IC 35-46-1-3).
- (J) Sexual battery (IC 35-42-4-8).
- (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).
- (j) The maximum amount of credit time a person may earn under this section is the lesser of:
 - (1) two (2) years; or
 - (2) one-third (1/3) of the person's total applicable credit time.
- (k) Credit time earned under this section by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be reduced to the extent that application of the credit time would otherwise result in:
 - (1) postconviction release (as defined in IC 35-40-4-6); or
 - (2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.
- (l) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).
- (m) A person may not earn credit time:
 - (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
 - (2) for a high school diploma if the person has previously earned



1 a general educational development (GED) diploma.

2 (n) A person may not earn credit time under this section if the
3 person:

4 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
5 required to register as a sex or violent offender under IC 11-8-8-7;
6 and

7 (2) is committed to the department of correction after being
8 convicted of the offense listed in IC 11-8-8-4.5.

9 (o) For a person to earn credit time under subsection (a)(3)(B) for
10 successfully completing the requirements for a high school diploma
11 through correspondence courses, each correspondence course must be
12 approved by the department before the person begins the
13 correspondence course. The department may approve a correspondence
14 course only if the entity administering the course is recognized and
15 accredited by the department of education in the state where the entity
16 is located.

